



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl'n of:	Lassner et al.	)	
		)	
Serial No.:	09/549,848	)	
		)	Group Art Unit: 1638
Filed:	14 April 2000	)	
		)	Examiner: C. Collins
Title:	Nucleic Acid Sequences to Proteins Involved in Isoprenoid Synthesis	)	
		)	
Atty Docket No.	REN-00-052-2	)	

The Honorable Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

**REVOCATION OF PREVIOUS POWERS  
OF ATTORNEY AND APPOINTMENT  
OF NEW POWER AND CHANGE OF  
CORRESPONDENCE ADDRESS**

In the matter of the above-entitled application, and all applications relating thereto (including parents, divisionals, and continuations), CALGENE LLC, through its undersigned authorized representative, hereby revokes all Powers of Attorney heretofore given and appoints the attorneys/agents listed below with full power of substitution, association and revocation, to prosecute said application, to make alterations and amendments therein, to receive the Letters Patent, and to transact all business in the Patent and Trademark Office connected therewith.

Dennis R. Hoerner, Jr., Registration No. 30,914  
Brian K. Stierwalt, Registration No. 33,213  
Donald J. Silvert, Registration No. 37,552  
Lois Ruzsala, Registration No. 39,074  
Thomas E. Omholt, Registration No. 37,052

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REN-00-052-2  
Page 2

CALGENE LLC is the Assignee of the entire interest in and to said application by virtue of an assignment filed on December 4, 2002 (copy attached herewith).

Please direct all future correspondence to:

Renessen LLC  
Associate General Counsel - Intellectual Property  
3000 Lakeside Dr., Suite 300-South  
Bannockburn, IL 60015  
Phone: 847.457.5000

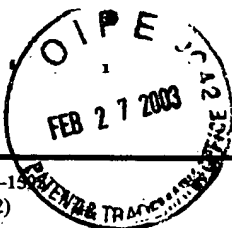
for CALGENE LLC

By:



Name: Brian K. Stierwalt

Title: Assistant Secretary



Form PTO-15 (Rev. 10/02)  
OMB No. 0651-0027 (exp. 6/30/2005)  
Tab settings  $\Rightarrow \Rightarrow \Rightarrow$

RECORDATION FORM COVER SHEET  
PATENTS ONLY

U.S. DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Michael W. Lassner; Beth Savidge;  
Timothy A. Mitsky; James D. Weiss;  
and Martha Ann Post-Beittenmiller

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☐ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☒ Other Confirmatory Assignment

Nov 20, 2002; Nov 12, 2002;  
Nov 18, 2002; Nov 1, 2002;

Execution Date: and Nov 4, 2002

2. Name and address of receiving party(ies)

Name: Calgene LLC

Internal Address: \_\_\_\_\_

Street Address: 1920 Fifth Street

City: Davis State: CA Zip: 95616

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

A. Patent Application No.(s) 09/549,848

B. Patent No.(s) \_\_\_\_\_

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Arnold & Porter

Internal Address: Attn: IP Docketing Dept.;

Room 1126B

Street Address: 555 Twelfth Street, N.W.

City: Washington State: DC Zip: 20004-1206

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41).....\$ 40.00

☐ Enclosed

☒ Authorized to be charged to deposit account

8. Deposit account number:

50-2387

DO NOT USE THIS SPACE

9. Signature.

Danielle M. Edwards (Agent Reg. No. 51,645)

Name of Person Signing

*Danielle Edwards*  
Signature

12/4/02  
Date

Total number of pages including cover sheet, attachments, and documents: 36

Mail documents to be recorded with required cover sheet information to:  
Commissioner of Patents & Trademarks, Box Assignments  
Washington, D.C. 20231

## CONFIRMATORY ASSIGNMENT

WHEREAS, I/we, Michael W. Lassner, Beth Savidge, James D. Weiss, Timothy A. Mitsky, and Martha Ann Post-Beittenmiller, have made certain invention or inventions which are disclosed in patent application(s) and/or provisional patent application(s) entitled:

Nucleic Acid Sequences to Proteins Involved in Tocopherol Synthesis

identified as U.S. Application No. 09/549,848, filed April 14, 2000

WHEREAS, a prior assignment was executed by assignor Michael W. Lassner on February 21, 2002, by assignor Beth Savidge on February 25, 2002, by assignor James D. Weiss on February 22, 2002, by assignor Timothy A. Mitsky on February 14, 2002, and by assignor Martha Ann Post-Beittenmiller on February 14, 2002, which states that Calgene LLC, of Davis, California, a Corporation of the State of Delaware, is desirous of acquiring the entire right, title and interest in and to said invention or inventions and any and all patents to be obtained therefor; and

WHEREAS, a second prior assignment was executed by assignor Beth Savidge on April 25, 2002, by assignor James D. Weiss on April 23, 2002, by assignor Timothy A. Mitsky on April 25, 2002, and by assignor Martha Ann Post-Beittenmiller on April 26, 2002, which states that Calgene LLC, of Davis, California, a Corporation of the State of Delaware, is desirous of acquiring the entire right, title and interest in and to said invention or inventions and any and all patents to be obtained therefor; and

WHEREAS, it is the intent of Michael W. Lassner, Beth Savidge, James D. Weiss, Timothy A. Mitsky, and Martha Ann Post-Beittenmiller, as well as Calgene LLC, through this Confirmatory Assignment document, to confirm the assignment of said entire right, title and interest in and to said invention or inventions and any and all patents to be obtained therefor to Calgene LLC;

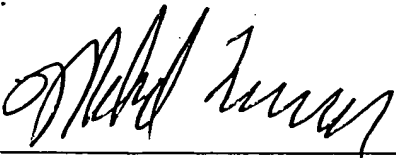
NOW, THEREFORE, FOR GOOD AND VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, I/we do hereby confirm that Michael W. Lassner, Beth Savidge, James D. Weiss, Timothy A. Mitsky, and Martha Ann Post-Beittenmiller have sold, assigned and transferred to said Calgene LLC, its successors and assigns, the entire right, title and interest in and to said invention or inventions, in any form or embodiment thereof, and in and to said application(s); and in and to any and all applications filed in any country based thereon, including the right to file applications in countries other than the country of priority filing under the provisions of any international convention; also in and to any and all improvements on said invention or inventions now or hereafter made by me/us as employee(s), agent(s) or contractor(s) of said Calgene LLC; also the entire right, title and interest in and to any and all patents, including reissues and extensions thereof, to be obtained in any country upon said invention;

inventions or improvements, and any and all continuing applications, including divisional, continuation and continuation-in-part applications, substitute applications, and applications claiming benefit of an earlier filed provisional application, which may be filed upon said invention, inventions or improvements in any country; and

I/We hereby confirm that we authorize and request the issuing authority to issue any and all patents on said application or applications to said Calgene LLC, as assignee of the entire interest.

I/We further confirm that we agreed, without any payment by Calgene LLC other than in reimbursement of reasonable expenses I/we may incur, to communicate to said Calgene LLC, its representatives or agents, any facts relating to said invention, inventions or improvements, including evidence for purposes of interference, opposition or other legal proceedings, whenever requested; testify in any interference, opposition or other legal proceedings, whenever requested; and execute and deliver, on request, all lawful papers required to make any of the foregoing provisions effective.

IN TESTIMONY WHEREOF, I/we have hereto set our hands on the dates set after our signatures.

Signature: 

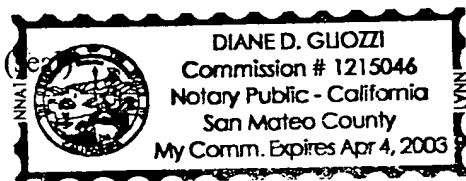
Date: 11/20/2002

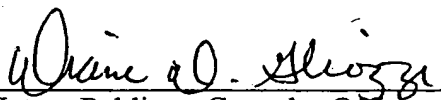
Name: Michael W. LASSNER

City and state or country of residence: Foster City, California

State of California )  
County of San Mateo ) ss.

On this 20 day of November, 2002, before me personally appeared Michael M. Lassner, known to me to be the person who executed the foregoing instrument and acknowledged that ~~he~~ she executed the same as ~~his~~ her free act and deed; in testimony whereof I have hereto set my hand and official seal on the day last above written.



  
Notary Public or Consular Officer

My Commission expires 4/4/03

IN TESTIMONY WHEREOF, I/we have hereto set our hands on the dates set after our signatures.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: Beth SAVIDGE

City and state or country of residence: Davis, California

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2002, before me personally appeared \_\_\_\_\_, known to me to be the person who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed; in testimony whereof I have hereto set my hand and official seal on the day last above written.

(seal)

\_\_\_\_\_  
Notary Public or Consular Officer

My Commission expires \_\_\_\_\_

IN TESTIMONY WHEREOF, I/we have hereto set our hands on the dates set after our signatures.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: Timothy A. MITSKY

City and state or country of residence: Maryland Heights, Missouri

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2002, before me personally appeared \_\_\_\_\_, known to me to be the person who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed; in testimony whereof I have hereto set my hand and official seal on the day last above written.

(seal)

\_\_\_\_\_  
Notary Public or Consular Officer

My Commission expires \_\_\_\_\_



IN TESTIMONY WHEREOF, I/we have hereto set our hands on the dates set after our signatures.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: James D. WEISS

City and state or country of residence: Kirkwood, Missouri

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2002, before me personally appeared \_\_\_\_\_, known to me to be the person who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed; in testimony whereof I have hereto set my hand and official seal on the day last above written.

(seal)

\_\_\_\_\_  
Notary Public or Consular Officer

My Commission expires \_\_\_\_\_

IN TESTIMONY WHEREOF, I/we have hereto set our hands on the dates set after our signatures.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: Martha Ann POST-BEITTENMILLER

City and state or country of residence: Manchester, Missouri

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2002, before me personally appeared \_\_\_\_\_, known to me to be the person who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed; in testimony whereof I have hereto set my hand and official seal on the day last above written.

(seal)

\_\_\_\_\_  
Notary Public or Consular Officer

My Commission expires \_\_\_\_\_

### CONFIRMATORY ASSIGNMENT

WHEREAS, I/we, Michael W. Lassner, Beth Savidge, James D. Weiss, Timothy A. Mitsky, and Martha Ann Post-Beittenmiller, have made certain invention or inventions which are disclosed in patent application(s) and/or provisional patent application(s) entitled:

Nucleic Acid Sequences to Proteins Involved in Tocopherol Synthesis

identified as U.S. Application No. 09/549,848, filed April 14, 2000

WHEREAS, a prior assignment was executed by assignor Michael W. Lassner on February 21, 2002, by assignor Beth Savidge on February 25, 2002, by assignor James D. Weiss on February 22, 2002, by assignor Timothy A. Mitsky on February 14, 2002, and by assignor Martha Ann Post-Beittenmiller on February 14, 2002, which states that Calgene LLC, of Davis, California, a Corporation of the State of Delaware, is desirous of acquiring the entire right, title and interest in and to said invention or inventions and any and all patents to be obtained therefor; and

WHEREAS, a second prior assignment was executed by assignor Beth Savidge on April 25, 2002, by assignor James D. Weiss on April 23, 2002, by assignor Timothy A. Mitsky on April 25, 2002, and by assignor Martha Ann Post-Beittenmiller on April 26, 2002, which states that Calgene LLC, of Davis, California, a Corporation of the State of Delaware, is desirous of acquiring the entire right, title and interest in and to said invention or inventions and any and all patents to be obtained therefor; and

WHEREAS, it is the intent of Michael W. Lassner, Beth Savidge, James D. Weiss, Timothy A. Mitsky, and Martha Ann Post-Beittenmiller, as well as Calgene LLC, through this Confirmatory Assignment document, to confirm the assignment of said entire right, title and interest in and to said invention or inventions and any and all patents to be obtained therefor to Calgene LLC;

NOW, THEREFORE, FOR GOOD AND VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, I/we do hereby confirm that Michael W. Lassner, Beth Savidge, James D. Weiss, Timothy A. Mitsky, and Martha Ann Post-Beittenmiller have sold, assigned and transferred to said Calgene LLC, its successors and assigns, the entire right, title and interest in and to said invention or inventions, in any form or embodiment thereof, and in and to said application(s); and in and to any and all applications filed in any country based thereon, including the right to file applications in countries other than the country of priority filing under the provisions of any international convention; also in and to any and all improvements on said invention or inventions now or hereafter made by me/us as employee(s), agent(s) or contractor(s) of said Calgene LLC; also the entire right, title and interest in and to any and all patents, including reissues and extensions thereof, to be obtained in any country upon said invention;

inventions or improvements, and any and all continuing applications, including divisional, continuation and continuation-in-part applications, substitute applications, and applications claiming benefit of an earlier filed provisional application, which may be filed upon said invention, inventions or improvements in any country; and

I/We hereby confirm that we authorize and request the issuing authority to issue any and all patents on said application or applications to said Calgene LLC, as assignee of the entire interest.

I/We further confirm that we agreed, without any payment by Calgene LLC other than in reimbursement of reasonable expenses I/we may incur, to communicate to said Calgene LLC, its representatives or agents, any facts relating to said invention, inventions or improvements, including evidence for purposes of interference, opposition or other legal proceedings, whenever requested; testify in any interference, opposition or other legal proceedings, whenever requested; and execute and deliver, on request, all lawful papers required to make any of the foregoing provisions effective.

IN TESTIMONY WHEREOF, I/we have hereto set our hands on the dates set after our signatures.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: Michael W. LASSNER

City and state or country of residence: Foster City, California

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2002, before me personally appeared \_\_\_\_\_, known to me to be the person who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed; in testimony whereof I have hereto set my hand and official seal on the day last above written.

(seal)

\_\_\_\_\_  
Notary Public or Consular Officer

My Commission expires \_\_\_\_\_

IN TESTIMONY WHEREOF, I/we have hereto set our hands on the dates set after our signatures.

Signature: Beth Savidge Date: 11/12/02

Name: Beth SAVIDGE

City and state or country of residence: Davis, California

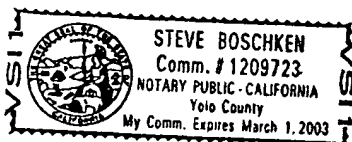
State of CALIFORNIA )

County of YOLO )

ss.

On this 12th day of NOVEMBER, 2002, before me personally appeared \_\_\_\_\_, known to me to be the person who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed; in testimony whereof I have hereto set my hand and official seal on the day last above written.

(seal)



Steve Boschken  
Notary Public or Consular Officer

My Commission expires MARCH 1, 2003

IN TESTIMONY WHEREOF, I/we have hereto set our hands on the dates set after our signatures.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: Timothy A. MITSKY

City and state or country of residence: Maryland Heights, Missouri

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2002, before me personally appeared \_\_\_\_\_, known to me to be the person who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed; in testimony whereof I have hereto set my hand and official seal on the day last above written.

(seal)

\_\_\_\_\_  
Notary Public or Consular Officer

My Commission expires \_\_\_\_\_

IN TESTIMONY WHEREOF, I/we have hereto set our hands on the dates set after our signatures.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: James D. WEISS

City and state or country of residence: Kirkwood, Missouri

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2002, before me personally appeared \_\_\_\_\_, known to me to be the person who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed; in testimony whereof I have hereto set my hand and official seal on the day last above written.

(seal)

\_\_\_\_\_  
Notary Public or Consular Officer

My Commission expires \_\_\_\_\_



IN TESTIMONY WHEREOF, I/we have hereto set our hands on the dates set after our signatures.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: Martha Ann POST-BEITTENMILLER

City and state or country of residence: Manchester, Missouri

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2002, before me personally appeared \_\_\_\_\_, known to me to be the person who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed; in testimony whereof I have hereto set my hand and official seal on the day last above written.

(seal)

\_\_\_\_\_  
Notary Public or Consular Officer

My Commission expires \_\_\_\_\_

### CONFIRMATORY ASSIGNMENT

WHEREAS, I/we, Michael W. Lassner, Beth Savidge, James D. Weiss, Timothy A. Mitsky, and Martha Ann Post-Beittenmiller, have made certain invention or inventions which are disclosed in patent application(s) and/or provisional patent application(s) entitled:

Nucleic Acid Sequences to Proteins Involved in Tocopherol Synthesis

identified as U.S. Application No. 09/549,848, filed April 14, 2000

WHEREAS, a prior assignment was executed by assignor Michael W. Lassner on February 21, 2002, by assignor Beth Savidge on February 25, 2002, by assignor James D. Weiss on February 22, 2002, by assignor Timothy A. Mitsky on February 14, 2002, and by assignor Martha Ann Post-Beittenmiller on February 14, 2002, which states that Calgene LLC, of Davis, California, a Corporation of the State of Delaware, is desirous of acquiring the entire right, title and interest in and to said invention or inventions and any and all patents to be obtained therefor; and

WHEREAS, a second prior assignment was executed by assignor Beth Savidge on April 25, 2002, by assignor James D. Weiss on April 23, 2002, by assignor Timothy A. Mitsky on April 25, 2002, and by assignor Martha Ann Post-Beittenmiller on April 26, 2002, which states that Calgene LLC, of Davis, California, a Corporation of the State of Delaware, is desirous of acquiring the entire right, title and interest in and to said invention or inventions and any and all patents to be obtained therefor; and

WHEREAS, it is the intent of Michael W. Lassner, Beth Savidge, James D. Weiss, Timothy A. Mitsky, and Martha Ann Post-Beittenmiller, as well as Calgene LLC, through this Confirmatory Assignment document, to confirm the assignment of said entire right, title and interest in and to said invention or inventions and any and all patents to be obtained therefor to Calgene LLC;

NOW, THEREFORE, FOR GOOD AND VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, I/we do hereby confirm that Michael W. Lassner, Beth Savidge, James D. Weiss, Timothy A. Mitsky, and Martha Ann Post-Beittenmiller have sold, assigned and transferred to said Calgene LLC, its successors and assigns, the entire right, title and interest in and to said invention or inventions, in any form or embodiment thereof, and in and to said application(s); and in and to any and all applications filed in any country based thereon, including the right to file applications in countries other than the country of priority filing under the provisions of any international convention; also in and to any and all improvements on said invention or inventions now or hereafter made by me/us as employee(s), agent(s) or contractor(s) of said Calgene LLC; also the entire right, title and interest in and to any and all patents, including reissues and extensions thereof, to be obtained in any country upon said invention;

inventions or improvements, and any and all continuing applications, including divisional, continuation and continuation-in-part applications, substitute applications, and applications claiming benefit of an earlier filed provisional application, which may be filed upon said invention, inventions or improvements in any country; and

I/We hereby confirm that we authorize and request the issuing authority to issue any and all patents on said application or applications to said Calgene LLC, as assignee of the entire interest.

I/We further confirm that we agreed, without any payment by Calgene LLC other than in reimbursement of reasonable expenses I/we may incur, to communicate to said Calgene LLC, its representatives or agents, any facts relating to said invention, inventions or improvements, including evidence for purposes of interference, opposition or other legal proceedings, whenever requested; testify in any interference, opposition or other legal proceedings, whenever requested; and execute and deliver, on request, all lawful papers required to make any of the foregoing provisions effective.

IN TESTIMONY WHEREOF, I/we have hereto set our hands on the dates set after our signatures.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: Michael W. LASSNER

City and state or country of residence: Foster City, California

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2002, before me personally appeared \_\_\_\_\_, known to me to be the person who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed; in testimony whereof I have hereto set my hand and official seal on the day last above written.

(seal)

\_\_\_\_\_  
Notary Public or Consular Officer

My Commission expires \_\_\_\_\_

IN TESTIMONY WHEREOF, I/we have hereto set our hands on the dates set after our signatures.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: Beth SAVIDGE

City and state or country of residence: Davis, California

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss.

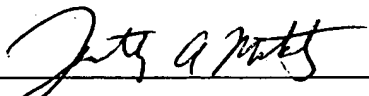
On this \_\_\_\_\_ day of \_\_\_\_\_, 2002, before me personally appeared \_\_\_\_\_, known to me to be the person who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed; in testimony whereof I have hereto set my hand and official seal on the day last above written.

(seal)

\_\_\_\_\_  
Notary Public or Consular Officer

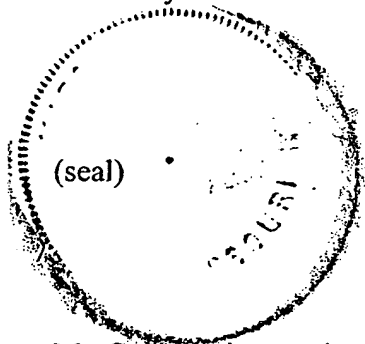
My Commission expires \_\_\_\_\_

IN TESTIMONY WHEREOF, I/we have hereto set our hands on the dates set after our signatures.

Signature:  Date: 11/18/02  
Name: Timothy A. MITSKY  
City and state or country of residence: Maryland Heights, Missouri

State of Missouri )  
County of St. Louis ) ss.

On this 18th day of November, 2002, before me personally appeared Timothy A. Mitsky, known to me to be the person who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed; in testimony whereof I have hereto set my hand and official seal on the day last above written.



  
Notary Public or Consular Officer

My Commission expires April 27, 2006

Margaret J. Durham  
NOTARY PUBLIC-STATE OF MISSOURI  
MY COMMISSION EXPIRES APRIL 27, 2006  
ST. LOUIS COUNTY

IN TESTIMONY WHEREOF, I/we have hereto set our hands on the dates set after our signatures.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: James D. WEISS

City and state or country of residence: Kirkwood, Missouri

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2002, before me personally appeared \_\_\_\_\_, known to me to be the person who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed; in testimony whereof I have hereto set my hand and official seal on the day last above written.

(seal)

\_\_\_\_\_  
Notary Public or Consular Officer

My Commission expires \_\_\_\_\_

IN TESTIMONY WHEREOF, I/we have hereto set our hands on the dates set after our signatures.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: Martha Ann POST-BEITTENMILLER

City and state or country of residence: Manchester, Missouri

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2002, before me personally appeared \_\_\_\_\_, known to me to be the person who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed; in testimony whereof I have hereto set my hand and official seal on the day last above written.

(seal)

\_\_\_\_\_  
Notary Public or Consular Officer

My Commission expires \_\_\_\_\_



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WHEREAS, a second prior assignment was executed by assignor Beth Savidge on April 25, 2002, by assignor James D. Weiss on April 23, 2002, by assignor Timothy A. Mitsky on April 25, 2002, and by assignor Martha Ann Post-Beittenmiller on April 26, 2002, which states that Calgene LLC, of Davis, California, a Corporation of the State of Delaware, is desirous of acquiring the entire right, title and interest in and to said invention or inventions and any and all patents to be obtained therefor; and

WHEREAS, it is the intent of Michael W. Lassner, Beth Savidge, James D. Weiss, Timothy A. Mitsky, and Martha Ann Post-Beittenmiller, as well as Calgene LLC, through this Confirmatory Assignment document, to confirm the assignment of said entire right, title and interest in and to said invention or inventions and any and all patents to be obtained therefor to Calgene LLC;

NOW, THEREFORE, FOR GOOD AND VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, I/we do hereby confirm that Michael W. Lassner, Beth Savidge, James D. Weiss, Timothy A. Mitsky, and Martha Ann Post-Beittenmiller have sold, assigned and transferred to said Calgene LLC, its successors and assigns, the entire right, title and interest in and to said invention or inventions, in any form or embodiment thereof, and in and to said application(s); and in and to any and all applications filed in any country based thereon, including the right to file applications in countries other than the country of priority filing under the provisions of any international convention; also in and to any and all improvements on said invention or inventions now or hereafter made by me/us as employee(s), agent(s) or contractor(s) of said Calgene LLC; also the entire right, title and interest in and to any and all patents, including reissues and extensions thereof, to be obtained in any country upon said invention;

inventions or improvements, and any and all continuing applications, including divisional, continuation and continuation-in-part applications, substitute applications, and applications claiming benefit of an earlier filed provisional application, which may be filed upon said invention, inventions or improvements in any country; and

I/We hereby confirm that we authorize and request the issuing authority to issue any and all patents on said application or applications to said Calgene LLC, as assignee of the entire interest.

I/We further confirm that we agreed, without any payment by Calgene LLC other than in reimbursement of reasonable expenses I/we may incur, to communicate to said Calgene LLC, its representatives or agents, any facts relating to said invention, inventions or improvements, including evidence for purposes of interference, opposition or other legal proceedings, whenever requested; testify in any interference, opposition or other legal proceedings, whenever requested; and execute and deliver, on request, all lawful papers required to make any of the foregoing provisions effective.

IN TESTIMONY WHEREOF, I/we have hereto set our hands on the dates set after our signatures.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: Michael W. LASSNER

City and state or country of residence: Foster City, California

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2002, before me personally appeared \_\_\_\_\_, known to me to be the person who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed; in testimony whereof I have hereto set my hand and official seal on the day last above written.

(seal)

\_\_\_\_\_  
Notary Public or Consular Officer

My Commission expires \_\_\_\_\_

IN TESTIMONY WHEREOF, I/we have hereto set our hands on the dates set after our signatures.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: Beth SAVIDGE

City and state or country of residence: Davis, California

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2002, before me personally appeared \_\_\_\_\_, known to me to be the person who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed; in testimony whereof I have hereto set my hand and official seal on the day last above written.

(seal)

\_\_\_\_\_  
Notary Public or Consular Officer

My Commission expires \_\_\_\_\_

IN TESTIMONY WHEREOF, I/we have hereto set our hands on the dates set after our signatures.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: Timothy A. MITSKY

City and state or country of residence: Maryland Heights, Missouri

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2002, before me personally appeared \_\_\_\_\_, known to me to be the person who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed; in testimony whereof I have hereto set my hand and official seal on the day last above written.

(seal)

\_\_\_\_\_  
Notary Public or Consular Officer

My Commission expires \_\_\_\_\_

IN TESTIMONY WHEREOF, I/we have hereto set our hands on the dates set after our signatures.

Signature: James D. Weiss Date: 11/01/2002

Name: James D. WEISS

City and state or country of residence: Kirkwood, Missouri

State of Missouri )  
County of St. Louis ) ss.

On this 1ST day of November, 2002, before me personally appeared JAMES D. WEISS, known to me to be the person who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed; in testimony whereof I have hereto set my hand and official seal on the day last above written.

(seal)

MAE OLIVASTRO SKUBIZ  
Notary Public or Consular Officer

My Commission expires \_\_\_\_\_

MAE OLIVASTRO SKUBIZ  
NOTARY PUBLIC, STATE OF MISSOURI  
MY COMMISSION EXPIRES AUGUST 4, 2004  
ST. LOUIS COUNTY

IN TESTIMONY WHEREOF, I/we have hereto set our hands on the dates set after our signatures.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: Martha Ann POST-BEITTENMILLER

City and state or country of residence: Manchester, Missouri

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2002, before me personally appeared \_\_\_\_\_, known to me to be the person who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed; in testimony whereof I have hereto set my hand and official seal on the day last above written.

(seal)

\_\_\_\_\_  
Notary Public or Consular Officer

My Commission expires \_\_\_\_\_

### CONFIRMATORY ASSIGNMENT

WHEREAS, I/we, Michael W. Lassner, Beth Savidge, James D. Weiss, Timothy A. Mitsky, and Martha Ann Post-Beittenmiller, have made certain invention or inventions which are disclosed in patent application(s) and/or provisional patent application(s) entitled:

Nucleic Acid Sequences to Proteins Involved in Tocopherol Synthesis

identified as U.S. Application No. 09/549,848, filed April 14, 2000

WHEREAS, a prior assignment was executed by assignor Michael W. Lassner on February 21, 2002, by assignor Beth Savidge on February 25, 2002, by assignor James D. Weiss on February 22, 2002, by assignor Timothy A. Mitsky on February 14, 2002, and by assignor Martha Ann Post-Beittenmiller on February 14, 2002, which states that Calgene LLC, of Davis, California, a Corporation of the State of Delaware, is desirous of acquiring the entire right, title and interest in and to said invention or inventions and any and all patents to be obtained therefor; and

WHEREAS, a second prior assignment was executed by assignor Beth Savidge on April 25, 2002, by assignor James D. Weiss on April 23, 2002, by assignor Timothy A. Mitsky on April 25, 2002, and by assignor Martha Ann Post-Beittenmiller on April 26, 2002, which states that Calgene LLC, of Davis, California, a Corporation of the State of Delaware, is desirous of acquiring the entire right, title and interest in and to said invention or inventions and any and all patents to be obtained therefor; and

WHEREAS, it is the intent of Michael W. Lassner, Beth Savidge, James D. Weiss, Timothy A. Mitsky, and Martha Ann Post-Beittenmiller, as well as Calgene LLC, through this Confirmatory Assignment document, to confirm the assignment of said entire right, title and interest in and to said invention or inventions and any and all patents to be obtained therefor to Calgene LLC;

NOW, THEREFORE, FOR GOOD AND VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, I/we do hereby confirm that Michael W. Lassner, Beth Savidge, James D. Weiss, Timothy A. Mitsky, and Martha Ann Post-Beittenmiller have sold, assigned and transferred to said Calgene LLC, its successors and assigns, the entire right, title and interest in and to said invention or inventions, in any form or embodiment thereof, and in and to said application(s); and in and to any and all applications filed in any country based thereon, including the right to file applications in countries other than the country of priority filing under the provisions of any international convention; also in and to any and all improvements on said invention or inventions now or hereafter made by me/us as employee(s), agent(s) or contractor(s) of said Calgene LLC; also the entire right, title and interest in and to any and all patents, including reissues and extensions thereof, to be obtained in any country upon said invention;



IN TESTIMONY WHEREOF, I/we have hereto set our hands on the dates set after our signatures.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: James D. WEISS

City and state or country of residence: Kirkwood, Missouri

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2002, before me personally appeared \_\_\_\_\_, known to me to be the person who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed; in testimony whereof I have hereto set my hand and official seal on the day last above written.

(seal)

\_\_\_\_\_  
Notary Public or Consular Officer

My Commission expires \_\_\_\_\_

IN TESTIMONY WHEREOF, I/we have hereto set our hands on the dates set after our signatures.

Signature: Martha Ann Post-Beittenmiller Date: Nov. 4, 2002

Name: Martha Ann POST-BEITTENMILLER

City and state or country of residence: Manchester, Missouri

State of Missouri )  
 )  
County of St. Louis ) ss.

On this 4th day of November, 2002, before me personally appeared Martha Ann Post-Beittenmiller, known to me to be the person who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed; in testimony whereof I have hereto set my hand and official seal on the day last above written.

(seal)

Judith A. Lorenz  
Notary Public or Consular Officer

My Commission expires \_\_\_\_\_

JUDITH A. LORENZ  
Notary Public - State of Missouri  
St. Louis County  
My Commission Expires: November 20, 2003